

Article - State Government

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§8–306.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Change the use, purpose, or function” means an abrupt and material change in the type of clients or inmates served in a facility, the licensed purpose of a facility, or the principal activities carried out within a facility.

(ii) “Change the use, purpose, or function” does not mean a gradual change in clients, inmates, or activities due to societal trends or needs.

(3) (i) “Public hearing” means an informational hearing, the sole purpose of which is to obtain public comment and answer public questions.

(ii) “Public hearing” does not mean a contested case hearing under Title 10, Subtitle 2 of this article.

(4) “State facility” means a facility that is owned, leased, or operated by the State for the purpose of providing health, juvenile, or correctional services to clients or inmates.

(b) A principal department of the Executive Branch of the State government may not change the use, purpose, or function of a State facility without giving notice as required in subsection (c) of this section.

(c) (1) Before a principal department changes the use, purpose, or function of a State facility, the principal department shall hold a public hearing on the proposed change.

(2) The principal department shall give notice of the proposed change and the hearing:

(i) to the public, by publication once a week for 2 consecutive weeks before the hearing in a regularly published newspaper of general circulation in any county that may be affected by the change; and

(ii) to each member of the General Assembly in whose district the facility is located, by certified mail.

(d) (1) Before a principal department leases or purchases land, buildings, or office space to be used for the purpose of providing health, juvenile, or correctional services to clients or inmates, the principal department shall give written notice of the proposed use of the land, buildings, or office space to each member of the General Assembly in whose legislative district the property is located.

(2) (i) A member of the General Assembly may request that the department hold a public hearing on the proposed use.

(ii) The department on whose behalf the property is being procured or leased shall hold a public hearing on the proposed use upon the request of a member of the General Assembly.

(iii) The department shall give notice of the hearing to the public as provided in subsection (c)(2)(i) of this section.

(e) (1) If, after a principal department ceases its use of a State facility, the principal department or any other principal department plans to recommence operation of the facility as a State facility, and the proposed operation of the facility would change its use, purpose, or function, the principal department shall hold a public hearing on the proposed operation.

(2) The principal department shall give notice of the hearing to the public as provided in subsection (c)(2)(i) of this section.

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